

# **Victim Compensation and Government Claims Board**

## **Victim Compensation Program**

**May 23, 2003**

**630 K Street  
First Floor Hearing Room  
Sacramento, California**

### **Re-Adoption of Emergency Regulations: Service Limitations for Outpatient Mental Health Counseling**

#### **Summary**

In response to the projected funding shortfalls in the Victim Compensation Program, the Board adopted service limitations for outpatient mental health counseling which were implemented in emergency regulations. Staff recommends that the Board authorize that the emergency regulations be resubmitted to the Office of Administrative Law for re-adoption as emergency regulations. This will provide additional time for staff to evaluate their efficacy and determine the best regulatory scheme for permanent regulations.

#### **Background**

On January 10, 2003, the Board adopted service limitations for reimbursement of outpatient mental health counseling expenses that were implemented in emergency regulations effective February 3, 2003. Staff initiated the rulemaking process to adopt the emergency regulations as final regulations. A public hearing concerning the regulations was held on April 16, 2003. No one attended the public hearing, but two written comments were received by the close of the public comment period. The emergency regulations will be repealed by operation of law on June 3, 2003, unless the Board completes the final rulemaking process, or they are re-adopted as emergency regulations.

#### **Discussion**

The implementation of the emergency regulations was an intensive effort, as described in staff's report, "Assessment of Effectiveness of Service Limitations for Mental Health Counseling." Staff of the Quality Assurance Mental Health (QAMH) Unit is continuing to evaluate the emergency regulations and their implementation. Based on four months' experience, staff believes that the regulations can be improved upon to better balance the need for appropriate evaluation of requests for additional treatment with the need to handle a significant number of requests in a timely fashion. The basis for the emergency regulations has not changed: the Victim Compensation Program remains in an uncertain fiscal position. Staff recommends that the Board re-submit the emergency regulations so that they do not lapse and authorize staff to continue with the final rulemaking.

The emergency regulations and the finding of emergency are attached.

## **Recommendation**

It is recommended that the Board re-adopt the finding of emergency and the emergency regulations. It is also recommended that the Board delegate to the Interim Executive Officer the authority to prepare and submit all documents that are necessary to re-adopt the emergency regulations, and that the Board direct staff to continue the rulemaking process to adopt final regulations.